

TITLE 54
PROFESSIONS, VOCATIONS, AND BUSINESSES

CHAPTER 47
ACUPUNCTURE

54-4701. PURPOSE. The legislature finds and declares that the provision of acupuncture services affects the public health, safety and welfare. The legislature further finds that it is in the public interest to aid in the provision of acupuncture services of high quality to the people of Idaho. To aid in fulfilling these purposes, this chapter provides for the licensure and regulation of acupuncturists within the state of Idaho.

[54-4701, added 1999, ch. 379, sec. 1, p. 1039.]

54-4702. DEFINITIONS. As used in this chapter:

(1) "Acupuncture" means that theory of health care developed from traditional and modern Oriental medical philosophies that employs diagnosis and treatment of conditions of the human body based upon stimulation of specific acupuncture points on meridians of the human body for the promotion, maintenance, and restoration of health and for the prevention of disease. Therapies within the scope of acupuncture include manual, mechanical, thermal, electrical and electromagnetic treatment of such specific indicated points. Adjunctive therapies included in, but not exclusive to, acupuncture include herbal and nutritional treatments, therapeutic exercise and other therapies based on traditional and modern Oriental medical theory.

(2) "Board" means the Idaho state board of acupuncture.

(3) "NCCAOM" means "National Certification Commission for Acupuncture and Oriental Medicine."

(4) "Practice of acupuncture" means the insertion of acupuncture needles and use of similar devices and therapies, including application of moxibustion, to specific indicated points on the skin of the human body as indicated pursuant to traditional and modern theories of Oriental medicine. The "practice of acupuncture" does not include:

(a) Surgery; or

(b) Prescribing, dispensing or administering any prescription drug or legend drug as defined in section [54-1705](#) (35), Idaho Code.

[54-4702, added 1999, ch. 379, sec. 1, p. 1039; am. 2002, ch. 26, sec. 2, p. 33; am. 2006, ch. 290, sec. 4, p. 894; am. 2009, ch. 244, sec. 6, p. 754; am. 2011, ch. 135, sec. 6, p. 381; am. 2013, ch. 28, sec. 16, p. 67; am. 2013, ch. 270, sec. 6, p. 706; am. 2014, ch. 146, sec. 8, p. 401; am. 2015, ch. 28, sec. 14, p. 60; am. 2018, ch. 37, sec. 20, p. 96.]

54-4703. LICENSE REQUIRED. (1) From and after the 1st day of July, 1999, it is unlawful for any person to practice acupuncture in this state without, at such time being licensed or certified pursuant to this chapter; provided however, the provisions of this chapter shall not apply to persons licensed pursuant to [chapter 18, title 54](#), Idaho Code, but such persons may seek licensure or certification pursuant to this chapter on a voluntary basis. Persons holding an acupuncture trainee permit pursuant to this chapter may practice acupuncture on a supervised, limited basis as prescribed by this chapter, the board's rules and the permit.

(2) No person shall use any title, designation, words, letters, abbreviations, or sign, card or device which indicates to the public that such person may practice acupuncture in any form or has been issued a license or been certified pursuant to this chapter unless the person is so licensed or certified, has been issued such license or certification, and the license or certification is in good standing pursuant to rules of the board.

[54-4703, added 1999, ch. 379, sec. 1, p. 1040; am. 2007, ch. 220, sec. 1, p. 661; am. 2011, ch. 75, sec. 1, p. 157.]

54-4704. BOARD OF ACUPUNCTURE CREATED -- APPOINTMENT -- TERMS. (1) There is hereby established in the department of self-governing agencies a state board of acupuncture and the members thereof shall be appointed by the governor within sixty (60) days following the effective date of this chapter.

(2) The board shall consist of five (5) members, three (3) of whom shall be licensed pursuant to this chapter, one (1) of whom shall be certified pursuant to this chapter, and one (1) of whom shall be a member of the public with an interest in the rights of the consumers of acupuncture services.

(3) In making appointments to the board of acupuncture, consideration shall be given to recommendations made by the Idaho acupuncture association, other similar professional organizations and any individual residing in this state.

(4) All members of the board shall be current residents of the state of Idaho and have been residents of the state of Idaho for a minimum of three (3) years immediately preceding appointment.

(5) All terms shall be four (4) years, and a member may be reappointed. In the event of death, resignation, or removal of any member before the expiration of the term to which appointed, the vacancy shall be filled for the unexpired portion of the term in the same manner as the original appointment.

(6) Board members shall serve at the pleasure of the governor.

(7) The board shall, within thirty (30) days after its appointment, and at least annually thereafter, hold a meeting and elect a chairman. The board may hold additional meetings on the call of the chairman or at the written request of any two (2) members of the board. The board may appoint such committees as it considers necessary to carry out its duties. A majority of the members of the board shall constitute a quorum.

(8) Each member of the board shall be compensated as provided in section [59-509](#)(p), Idaho Code.

[54-4704, added 1999, ch. 379, sec. 1, p. 1040; am. 2000, ch. 82, sec. 1, p. 170; am. 2016, ch. 340, sec. 42, p. 961; am. 2018, ch. 57, sec. 1, p. 144.]

54-4705. BOARD OF ACUPUNCTURE -- POWERS AND DUTIES -- FUNDS. (1) The board shall have the authority to:

(a) Determine the qualifications of persons applying for licensure, certification and acupuncture trainee permits pursuant to this chapter and define, by rule, the appropriate scope of acupuncture services that may be rendered to the public in this state;

(b) Hire or appoint employees, including an executive director, investigators, attorneys, consultants and independent hearing examiners;

(c) Establish, pursuant to the administrative procedure act, such rules as are necessary for the administration of this chapter, includ-

ing standards for professional conduct that reflect current practice standards and promote inclusion of innovations and advances in acupuncture;

- (d) Conduct investigations and examinations and hold hearings;
- (e) Collect fees and other funds as prescribed by this chapter;
- (f) Contract, sue and be sued, and pursue other matters lawful in this state;
- (g) Provide such other services and perform such other functions as are necessary and desirable to fulfill its purposes;
- (h) Adopt rules requiring continuing education as a condition of continued licensure or certification.

(2) All fees received under the provisions of this chapter shall be paid to the bureau of occupational licenses and deposited in the state treasury to the credit of the occupational licenses fund and all costs and expenses incurred under the provisions of this chapter shall be a charge against and paid from said fund.

[54-4705, added 1999, ch. 379, sec. 1, p. 1041; am. 2000, ch. 28, sec. 2, p. 54; am. 2002, ch. 81, sec. 1, p. 184; am. 2011, ch. 75, sec. 2, p. 157.]

54-4706. REQUIREMENTS FOR LICENSURE. A person applying for a license shall, in addition to paying all required fees, submit a written application provided by the board showing to the satisfaction of the board that such person meets the following requirements:

- (1) Has received certification from NCCAOM, or has successfully completed other similar requirements as have been approved by the board; and
- (2) Has successfully completed an acupuncture internship or pre-professional practice program, coordinated program, or such other equivalent experience as may be approved by the board; and
- (3) Has passed an examination or other demonstration of proficiency as may be uniformly required by the board for other similarly qualified applicants for licensure.

[54-4706, added 1999, ch. 379, sec. 1, p. 1042; am. 2002, ch. 81, sec. 2, p. 184.]

54-4707. REQUIREMENTS FOR CERTIFICATION. A person applying for a certification shall, in addition to paying all required fees, submit a written application provided by the board showing that such person has successfully passed an examination or other demonstration of proficiency as may be uniformly required by the board and:

- (1) Has successfully completed the requirements for full membership in the American academy of medical acupuncture; or
- (2) Has met each of the following education and experience requirements:
 - (a) Possesses from an accredited college or university a doctoral degree in chiropractic, dentistry, podiatric medicine, or naturopathic medicine;
 - (b) Has successfully completed an approved program consisting of a minimum of one hundred (100) hours of on-site didactic coursework in acupuncture taught by an NCCAOM certified acupuncturist who has been practicing acupuncture for at least five (5) years and is currently licensed, two hundred (200) hours of practice as a certified technician

or as an acupuncture trainee over a one (1) year period and twenty-five (25) case studies; and

(c) Has successfully passed a blood-borne pathogen course and comprehensive examination concerning the practice of acupuncture approved by the board that incorporates clean needle techniques and OSHA procedures and requirements.

[54-4707, added 1999, ch. 379, sec. 1, p. 1042; am. 2007, ch. 220, sec. 2, p. 662; am. 2011, ch. 75, sec. 3, p. 158.]

54-4708. ACUPUNCTURE TRAINEE PERMIT. (1) A person seeking the experience needed to obtain licensure or certification pursuant to this chapter may apply for an acupuncture trainee permit. Such person shall pay all required fees, submit a written application provided by the board and show to the satisfaction of the board that such person is qualified and actively pursuing an acupuncture license or certification.

(2) In approving an acupuncture trainee permit the board shall consider the scope and extent of the applicant's academic and other training and experience in health care to date and may, for each individual acupuncture trainee:

(a) Require such supervision, as the board may deem appropriate, by a person licensed or certified pursuant to this chapter;

(b) Restrict the practice of acupuncture for the acupuncture trainee to specified therapies or treatments.

(3) A person's acupuncture trainee permit expires one (1) year from the date of issuance. However, the board may renew the permit for up to one (1) year if, before the permit expires, the person asks the board for an extension and establishes to the board's satisfaction that good cause exists for the board to renew the permit. The renewal of any acupuncture trainee permit may be upon such conditions as the board may require. The board may not renew a permit more than once and the board may not issue more than one (1) permit to any person.

[54-4708, added 1999, ch. 379, sec. 1, p. 1042; am. 2002, ch. 81, sec. 3, p. 185; am. 2011, ch. 75, sec. 4, p. 158.]

54-4708A. ACUPUNCTURE TECHNICIAN. Individuals who have been granted an acupuncture technician certificate before July 1, 2011, shall be entitled to retain and renew such certificate under the renewal terms as provided in section [54-4710](#), Idaho Code, and the board's rules, but no new technician certificates shall be issued on and after July 1, 2011.

[54-4708A, added 2011, ch. 75, sec. 5, p. 159.]

54-4709. ENDORSEMENT LICENSURE. An applicant who proves to the satisfaction of the board that he is licensed or registered under the laws of another state, territory, or jurisdiction of the United States that, in the opinion of the board, imposes substantially equivalent licensing requirements as this chapter may, upon the payment of the required fee and the approval of the application, be licensed by endorsement pursuant to this chapter.

[54-4709, added 2020, ch. 53, sec. 2, p. 133.]

54-4710. EXPIRATION AND RENEWAL -- REINSTATEMENT. (1) All licenses and certifications issued under the provisions of this chapter shall be subject to annual renewal and shall expire unless renewed in the manner prescribed by the board regarding applications for renewal, continuing education and fees. License renewal and reinstatement shall be in accordance with section [67-2614](#), Idaho Code.

(2) The board shall establish the following fees relating to licensing, which fees shall be established in an amount that is sufficient to defray all costs necessary for the administration of this chapter:

- (a) Initial license;
- (b) Renewal of license fee;
- (c) Initial fee for certification;
- (d) Initial acupuncture trainee permit;
- (e) Renewal acupuncture technician certificate or acupuncture trainee permit;
- (f) Inactive license and certification fees;
- (g) Late renewal fees.

[54-4710, added 1999, ch. 379, sec. 1, p. 1043; am. 2003, ch. 21, sec. 21, p. 91; am. 2011, ch. 75, sec. 6, p. 159.]

54-4711. SUSPENSION AND REVOCATION. To protect the health, safety and welfare of the public, the board, in accordance with the requirements of [chapter 52, title 67](#), Idaho Code, may refuse to issue or may refuse to renew a license, certification or permit, or may suspend or revoke a license, certification or permit, under such conditions as the board may require, if the applicant or holder of the license, certification or permit has:

(1) Been convicted of a crime that is deemed relevant in accordance with section [67-9411](#)(1), Idaho Code; [that reflects on the qualifications, functions, or duties of an acupuncturist]

(2) Obtained or attempted to obtain the issuance or renewal of a license, certification or permit pursuant to this chapter by means of fraud, misrepresentation or concealment of material facts;

(3) Engaged in the practice of acupuncture in a manner that does not meet the generally accepted standards for the practice of acupuncture within the state of Idaho;

(4) Failed to maintain the confidentiality of records or other information pertaining to an identifiable client, except as required or authorized by law;

(5) Engaged in any conduct that constitutes an abuse or exploitation of a client arising out of the trust and confidence placed in the acupuncturist by the client;

(6) Engaged in conduct that violates the provisions of this chapter, the rules of the board or the terms of any permit issued by the board;

(7) Failed to comply with a board order entered in a disciplinary matter;

(8) Had a license revoked or suspended or has been otherwise disciplined by the board or the proper authorities of another state, territory, or jurisdiction of the United States or another country; or

(9) Had a license or certification in a related field revoked or suspended or has been otherwise disciplined in Idaho or another state, territory, or jurisdiction of the United States or another country.

[54-4711, added 1999, ch. 379, sec. 1, p. 1043; am. 2007, ch. 220, sec. 3, p. 662; am. 2011, ch. 75, sec. 7, p. 160; am. 2020, ch. 53, sec. 3, p. 133; am. 2020, ch. 175, sec. 34, p. 539.]

54-4712. TITLES. Persons licensed pursuant to this chapter may use the title "licensed acupuncturist." Persons certified or granted an acupuncture technician certificate, or an acupuncture trainee permit pursuant to this chapter, may use the title "certified acupuncturist," "acupuncture technician" or "acupuncture trainee," respectively, but may not use the title "licensed acupuncturist" or "doctor," or any abbreviation thereof, unless the acupuncturist is otherwise authorized to use such title. No person authorized to practice acupuncture pursuant to this chapter may hold himself out in any way as a medical physician, doctor of osteopathy, chiropractor, physical therapist or other health care professional unless the person is properly authorized for such practice pursuant to law.

[54-4712, added 1999, ch. 379, sec. 1, p. 1044; am. 2011, ch. 75, sec. 8, p. 160.]

54-4713. PENALTIES. (1) A person who violates any provision of this chapter shall, upon conviction, be guilty of a misdemeanor.

(2) The board may seek injunction against any person who practices acupuncture in violation of this chapter and may, in the event a permanent injunction is entered against such person or plea or verdict of guilty is entered in any criminal matter, impose a civil penalty in the amount of all costs and fees incurred by the board in prosecuting the matter.

(3) The representation to another person that a person holds a license, certification or permit pursuant to this chapter, when such representation is untrue, constitutes the using of a method, act or practice which is declared to be unlawful under the provisions of [chapter 6, title 48](#), Idaho Code.

[54-4713, added 1999, ch. 379, sec. 1, p. 1044; am. 2011, ch. 75, sec. 9, p. 160.]